

APPROVED MAY 28, 2003



**MINUTES
SCOTTSDALE PLANNING COMMISSION
KIVA – CITY HALL
3939 N. DRINKWATER BOULEVARD
MAY 14, 2003**

PRESENT: David Gulino, Chairman
Steve Steinberg, Vice Chairman
David Barnett, Commissioner
James Heitel, Commissioner
Eric Hess, Commissioner
Tony Nelssen, Commissioner
Jeffery Schwartz, Commissioner

STAFF: Donna Bronski
Tim Curtis
Pete Deeley
Kroy Ekblaw
Jeff Fisher
Ed Gawf
Randy Grant
Don Hadder
Kurt Jones
Curtis Kozall
Al Ward
Kira Wauwie

CALL TO ORDER

The regular meeting of the Scottsdale Planning Commission was called to order by Chairman Gulino at 5:05 p.m.

ROLL CALL

A formal roll call confirmed members present as stated above.

OPENING STATEMENT

APPROVED

VICE CHAIRMAN STEINBERG read the opening statement, which describes the role of the Planning Commission and the procedures used in conducting this meeting.

CHAIRMAN GULINO introduced Eric Hess as the newest member of the Commission.

MINUTES APPROVAL

April 8, 2003

April 22, 2003

COMMISSIONER NELSEN requested a correction to the April 8, 2003 minutes. On page 10, his comment about density bonuses does not make sense. He stated he does not know the best way to figure this out. The gist of it is that he did not feel that you should get density transfer bonuses for washes, drainage corridors essentially unbuildable portions of the property. He remarked however they want him to correct this he could do but it needs to be addressed.

CHAIRMAN GULINO stated maybe the best way would be for Commissioner Nelsen to edit his statement and have the minutes redistributed to the Commission.

CHAIRMAN GULINO requested a correction to the April 8, 2003 minutes. He stated he would edit his comment on page 8, fourth paragraph and submit it to the stenographer and have those changes made and resubmitted so the Commission could act on them at the next meeting.

COMMISSIONER HEITEL MADE A MOTION TO APPROVE THE APRIL 22, 2003 MINUTES AS PRESENTED. SECOND BY VICE CHAIRMAN STEINBERG.

THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).

CONTINUANCES

4-UP-2003 (5th Avenue Parking Garage) request by City of Scottsdale, applicant/owner, for a municipal use master site plan for a parking garage on a 1.6 +/- acre parcel located at 7143 E 5th Avenue.

VICE CHAIRMAN STEINBERG MOVED TO CONTINUE CASE 4-UP-2003 TO THE JUNE 11, 2003 PLANNING COMMISSION MEETING. SECOND BY COMMISSIONER HEITEL.

THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).

1-TA-2003 (Downtown Overlay and Related Amendments) request by City of Scottsdale, applicant, to amend City of Scottsdale Zoning Ordinance (Ordinance No. 455) Article I., Administration and Procedures. Section 1.403. Additional conditions for specific conditional uses., Article III., Definitions.; Section 3.100 General.; Article IX., Parking and Loading Requirements., Section 9.104. Programs and incentives to reduce parking requirements., and Section 9.108 Special parking requirements in districts., and

to add Article VI., Supplementary Districts.; Section 6.1200., (DO) DOWNTOWN OVERLAY. Downtown area is generally bounded by Chaparral Road on the north, Miller Road on the east, Earll Drive on the south and 68th Street on the west.

CHAIRMAN GULINO stated there has been some interest among the Commission to continue case 1-TA-2003 to June 11, 2003 rather than the May 28, 2003.

MR. GRANT stated it would be the preference of staff to have this case continued to the May 28th Planning Commission meeting because they made a commitment to the City Council to have the ordinance amendments back prior to the summer break. If there are going to be some absences at the May 28th Planning Commission meeting then that might change whether or not they could fulfill that obligation.

VICE CHAIRMAN STEINBERG stated it is important, in his opinion, that both he and Commissioner Schwartz are able to participate in that discussion because they are both supporters of the Downtown.

COMMISSIONER SCHWARTZ MOVED TO CONTINUE CASE 1-TA-2003 TO THE JUNE 11TH PLANNING COMMISSION MEETING. SECOND BY COMMISSIONER HEITEL.

COMMISSIONER HEITEL stated that he appreciated the concern about the timing but he would prefer that the entire commission look at this request.

COMMISSIONER NELSEN inquired if some of the commissioners concerns regarding this case could be addressed in the non-action item on the agenda.

CHAIRMAN GULINO stated the Commission could consider continuing this case to the May 28th meeting and if there were still unresolved issues after the non-action item discussion on the Downtown Master Plan they could make a motion on May 28th to continue this case until the June 11th meeting.

COMMISSIONER HEITEL withdrew his second to the motion with the understanding that the Commission would ask for a continuance on May 28th if there are unresolved issues after tonight's non-action item.

CHAIRMAN GULINO stated the motion dies due to lack of a second.

COMMISSIONER SCHWARTZ stated it would be a preconceived notion that on the 28th there will be unresolved issues because there is going to be two members of this Commission that will not have the ability to have discussion that evening regarding that case. He further stated rather than saying on the 28th they will have the opportunity to continue the case because lack of being able to resolve issues from himself or Commissioner Steinberg, he felt they should continue the case to the June 11, 2003 meeting. Then all the Commission members would be present so they can all discuss and resolve the issues together and move forward with a recommendation regarding this case.

VICE CHAIRMAN STEINBERG MOVED TO CONTINUE CASE 1-TA-2003 TO THE JUNE 11, 2003 PLANNING COMMISSION MEETING. SECOND BY COMMISSIONER SCHWARTZ.

THE MOTION PASSED BY A VOTE OF FOUR (4) TO THREE (3) WITH CHAIRMAN GULINO, COMMISSIONER NELSEN, AND COMMISSIONER HEITEL DISSENTING.

EXPEDITED AGENDA

1-AN-2003 (Scottsdale Road - Bell to Deer Valley) request by the City of Scottsdale, applicant, City of Scottsdale & Arizona State Lands Trust, owners, to approve the annexation of a strip of roadway along Scottsdale Road.

MR. HADDER presented this case as per the project coordination packet. Staff recommends approval.

COMMISSIONER NELSEN inquired if there was any downside in terms of economic impact or additional cost in annexing this or is this just a matter of cleaning things up. Mr. Hadder replied it is just a matter of cleaning things up.

VICE CHAIRMAN STEINBERG MOVED TO FORWARD CASE 1-AN-2003 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL. SECOND BY COMMISSIONER HEITEL.

THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).

2-AB-2003 (Colina Vista) request by Beus Gilbert PLLC, applicant, Arizona Department of Transportation Row Group, owner, for an abandonment of the existing subdivision public right-of-ways located west of Pima Road (Loop 101) and north of Cholla Street.

MR. DEELEY presented this case as per the project coordination packet. Staff recommends approval, subject to the attached stipulations.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

CHRIS SHAW, 8721 E. Cholla Street, spoke in support of this request. He stated they are very much in favor of this change and the abandonment of the cul-de-sac, which has been a problem ever since it was put in. There has been a constant mess with lunch papers and debris out here. He further stated he felt this proposal is an excellent idea and an improvement for the neighborhood.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

COMMISSIONER HEITEL MOVED TO FORWARD CASE 2-AB-2003 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL. SECOND BY COMMISSIONER HESS.

THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).

5-UP-2003 (LA Fitness) request by Robert Kubicek Architects, applicant, Southwest Associates Inc., owner, for a conditional use permit for a health studio on a 5.5 +/- acre parcel located at 1900 N Scottsdale Road with Highway Commercial (C-3) zoning.

MR. CURTIS presented this case as per the project coordination packet. Staff recommends approval, subject to the attached stipulations.

VICE CHAIRMAN STEINBERG inquired if the concern regarding the building height had been resolved. Mr. Curtis replied in the affirmative. The revised graphics for the Development Review submittal do meet the zoning code.

COMMISSIONER BARNETT inquired if anything had been done to restrict traffic from turning left out of the facility onto Palm Lane. Mr. Curtis stated they looked at that with traffic staff and they felt the majority of the people coming out would be coming out onto Scottsdale Road and Palm Lane and getting on Scottsdale Road and they are not agreeing there will be cut through traffic in the Granada Drive neighborhood. Commissioner Barnett stated it is not really the Granada Drive neighborhood that he is worried about it is the Palm neighborhood. He further stated when they built the Jewish Community Center the same considerations were there where the neighbors did not want the traffic coming through on Sweetwater and to alleviate those problems they took a curve coming out of the parking lot onto Sweetwater that restricted any traffic turning in the opposite direction. He inquired if that is something they could do on this site as well. Mr. Curtis stated that is something they could look at. He further stated through the analysis of the Traffic Study the Transportation Department did not recommend that on Palm Lane. He remarked currently there is some construction traffic going on from traffic calming.

COMMISSIONER NELSEN inquired if there was a time stipulation on the use permit. Mr. Curtis replied in the negative.

CHAIRMAN GULINO stated that in general the LA Fitness should be a less intense use than what has historically been at this location. Mr. Curtis replied it has been vacant for quite a long while but based on the traffic analysis it would be less intense.

MR. KERCHER provided information on the traffic-calming project for the Palm neighborhood.

CHAIRMAN GULINO stated it is good to see some use in the building in this part of town that has a lot of vacancy in this area. He further stated he would support this case.

VICE CHAIRMAN STEINBERG MOVED TO FORWARD CASE 5-UP-2003 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL BASED ON THE FACT IT MEETS THE CITY OF SCOTTSDALE USE PERMIT CRITERIA. SECOND BY COMMISSIONER BARNETT.

THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).

REGULAR AGENDA

7-TA-2002 (Sign Ordinance Text Amendment) request by City of Scottsdale, applicant, for a text amendment to the City of Scottsdale Zoning Ordinance (Ordinance No. 455) to amend Article VIII, Sign Requirements.

MR. EKBLAW presented this case as per the project coordination packet. He stated the city council requested at study session that the sign issues addressed in this text amendment return for further consideration. These sign ordinance issues originated from comments made by the City Council, citizens, and business community. Staff is not recommending increases in total square footage of signage, but is introducing new flexibilities on how to utilize existing sign budgets. Additionally, some revisions to the street banner regulations have been made. He reviewed the sign ordinance amendments. . He passed out amendments to page 12 and page 30 of the text amendment. Staff recommends approval.

COMMISSIONER NELSEN inquired what is the differentiation between political signs and signs making political statement. Mr. Ekblaw stated they are the same from a free speech standpoint they would be considered signage. Commissioner Nelsen inquired why some political statement signs are not considered temporary in regard to what they are proposing. Mr. Ekblaw reviewed the criteria for semi-permanent signs. He stated if someone puts it on their property and not in a right-of-way and chooses to use a material more durable than regular signs than it would be considered semi permanent. The first consideration is that it is not in the right-of-way setback so they are set back behind the right-or-way line. If you are in an area that does not have scenic corridors and you are behind the right-of-way line you would be allowed a sign up to 16 square feet. Up to 32 feet maybe placed behind the dedicated scenic corridor.

COMMISSIONER HEITEL stated there is a discrepancy in the narrative that defines temporary signs as limited to six months. The red line version of the ordinance states 120 days. Mr. Ekblaw stated that the narrative is a typo it should be 120 days.

COMMISSIONER NELSEN inquired if existing signs would be grandfathered. Mr. Ekblaw replied in the affirmative.

COMMISSIONER HEITEL inquired about the process for increasing signage on building frontages. He also inquired if one tenant moves would the new tenant have to go back to the DR Board for approval of their signage. Mr. Ekblaw reviewed the process. He stated the DR Board would have to look at where the sign is located as tenants' change. If they stay within the boundaries of the master sign program that is done at a administrative staff level.

COMMISSIONER NELSEN stated he felt the graphic staff is using for flexibility of what is allowed and not allowed is an extreme example and he felt a more moderate example would be more appropriate.

COMMISSIONER NELSEN inquired if staff would be discussing enforcement this evening. Mr. Ekblaw stated the proposed changes to the ordinance do not deal with enforcement.

COMMISSIONER SCHWARTZ inquired if auto dealerships are allowed five signs. Mr. Ekblaw replied the maximum is three. If they have more than three car brands, they would have to share signs.

VICE CHAIRMAN STEINBERG stated on Pima and Happy Valley Road there is a gentleman who owns the land and is using a trailer boxes and signage and for expression of speech. He inquired if there was anything in the ordinance that would eliminate that from being an eyesore. Mr. Ekblaw stated there are really no requirements they can put in place on an individual making that type of free speech. He further stated the proposed amendments would reduce the size of those signs. Ms. Bronski remarked that the use of the trucks is something that has been litigated.

COMMISSIONER HEITEL stated on page 13 of the draft the definition of temporary signs just says short period of time. Mr. Fisher replied they are looking at including 120 days in that definition.

COMMISSIONER SCHWARTZ expressed his concern regarding trucks driving around town carrying a for sale message. Mr. Ekblaw stated they have no control over people placing signs on their trucks and driving around. He further stated they have not had a lot of complaints regarding this issue.

COMMISSIONER NELSEN stated going back into the scenic setback on undeveloped properties would the city require a native plant salvage if someone puts a sign back 80 feet off of the road in a setback. It would make sense they have a clean line of the site to the road and it could encourage somebody to cut down trees or clear the brush. He noted he is speaking about environmentally sensitive land areas where there are native plant considerations as well as the scenic setbacks. He inquired how do they address that.

Commissioner Nelsen inquired how does a citizen know whether a sign is legal? He stated this speaks to enforcement and regardless if they have all kinds of rules and regulations if they are not being enforced it creates angst because people have expectations for the new ordinance. Mr. Ekblaw stated regarding the native plant issue there has never been a request for a native plant removal solely based on placement of a sign. He further stated that staff could look at putting something in place from a policy standpoint that would require a plant survey. He remarked regarding the second point, semi-permanent signs would require a tag on the sign that would be visible to allow citizens to determine if the sign is legal. He further remarked with regard to the issue of enforceability they are working with the legal department and code enforcement regarding that issue.

CHAIRMAN GULINO stated they are getting off track. He further stated they would not be able to solve all of the problems with this particular application but encouraged them to stay on track.

COMMISSIONER BARNETT stated they are reducing the size of the signs, specifically political signs, but what is to restrict them from putting up more smaller signs and creating more clutter. Mr. Ekblaw stated there is that potential but because of the cost at some point, they would have to be self-limiting.

Commissioner Barnett inquired why the building address is not required to be on tower signs. Mr. Ekblaw stated the sign code does not require tower signs to have addresses but it is required to be on the building.

Commissioner Barnett requested information regarding illumination of temporary signs. Mr. Kozall replied illumination of semi-permanent signs would be allowed.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

KAREN SCISLOWOKI, 549 S. 48th Street #108, spoke in support of this request. She stated that she works for a property management company that represents several properties in Scottsdale. She further stated she is here to express concerns that businesses have about the amount of signage they have. They feel the signs impact very heavily on their businesses. They have other businesses outside of Scottsdale that are doing better than in Scottsdale. They feel very strongly that the limitations in the current zoning ordinance and sign ordinance are directly responsible for the decrease in business. Specifically she has tenants that have expressed an interest in monument signs with names in small range buildings of 30,000 to 40,000 square feet. She concluded she just wanted to bring this to the Planning Commission's attention.

LYNNE LAGARDE, 3101 N. Central, Suite 1000, Phoenix, AZ, representing Arizona Sign Association, stated they support the text amendment. She expressed her appreciation to staff for taking the time to meet with them and address the concerns from the Scottsdale business community. She further stated the Arizona Sign Association supports the additional flexibility in the amendment. She remarked as they have heard from the previous speaker that tenants need to get identified and need adequate monument sign on the street that lets people know what businesses are there. She further remarked another critically needed sign for both shopping centers and office is when tenants don't have exterior signage on the building.

Ms. Lagarde stated they are requesting the following addition that would allow the substitution of two mid-size monument signs instead one 25-foot high tower sign.

SEC.8.534.II.C.5. TWO (2) SUCH SIGNS SHALL BE ALLOWED TO BE
SUBSTITUTED FOR ONE TOWER SIGN AS PROVIDED
IN SECTION E. BELOW.

She further stated they felt a provision like this would give incentive to get lower signage that is more consistent with Scottsdale's image. They would support the suggestion that the DR Board be given the opportunity for flexibility in appropriate situations to allow more than three based on tradeoffs.

Ms. Lagarde stated they are asking the Commission recommend to City Council to bring this back in 12 to 18 months to see how this is working and address some of the concerns that were raised.

COURTNEY GILSTRAP, 2302 N. 3rd Street, thanked staff for involving the Arizona Multihousing Association in the sign ordinance review process. She stated the AMA is

more inclined to support this draft, with a few changes, then the one proposed approximately two years ago. She further stated she appreciates the time staff have spent with her to review and resolve some of their concerns during the last two months.

Ms. Gilstrap remarked the Multihousing Association testified previously and continues to believe that enforcement of the current code needs to be strengthened as opposed to drafting a stricter code. Many of the concerns that citizens have can be resolved with fair consistent enforcement of the current ordinance.

Ms. Gilstrap stated that AMA still have three primary concerns with the proposed draft.

- 1) Section 8.603 item F proposes new language "PORTABLE SIGNS SHALL NOT BE PERMITTED" The Multihousing industry relies on portable "a-frame" signs for leasing apartments. Typically these signs are allowed on site during office hours while staff member is on-site in the leasing office. They propose that as opposed to prohibiting the ability to use on-site portable signs that they be allowed for multifamily with the following provisions:
 - a. On-site only (out of the street, sidewalk, and right-of-way)
 - b. During office hours
- 2) Section 8.608 Grand Opening Signs – while they appreciate the increase from 10 days to 30 days they request you consider an extension for apartment communities since their lease-up stage is at least 6 months with phases opening at different intervals. Allow for Grand Opening Signs during each phase opening, or grant extensions to the 30 days.
- 3) Special Event Sign Definition – allow for additional special events such as "under new management", "under new ownership", "lease special," and "remodeled."

Ms. Gilstrap stated the AMA is not opposing the proposed temporary sign square footage reductions. However, they will oppose recommendations to further reduce the size in this draft, as it would have a negative impact upon their industry. She concluded they respectfully request their support of these recommendations.

CHAIRMAN GULINO inquired if the "a-frame" signs Ms. Gilstrap mentioned are similar to the signs the Realtors are putting out for open houses. Ms. Gilstrap replied it is her understanding that they are a different type of sign. Chairman Gulino stated he thought it was the same type of sign and he is surprised the Board of Realtors is not here. Mr. Fisher stated regarding the section that stated no portable signs they are thinking more of signs on trailers, on tires wheels some that are pulled out. They are allowing "a frame" signs. Chairman Gulino inquired if staff felt the ordinance as proposed was clear on this point. Mr. Fisher replied they are looking at clarifying this section.

HOWARD MEYERS, 6631 E. Horned Owl Tr, spoke in support of the request. He stated the various groups he belongs to support the changes because they do make a positive change and he thought it was important to get something in place before the Council may turn over, which could happen in less than a year. He further stated this

area is dominated by tourism and is an important part of the economy so the unobstructed desert views are very important. He discussed his concerns regarding off-site development signs and political signs. They would like to see in the future off site development signs eliminated. They should reduce the size of the political signs. He remarked there are still issues they would like to see addressed not necessarily right now but in the future.

Mr. Meyers stated he would recommend they pass these changes as is. He further stated he felt there needed to be major revamping at some time in the future.

Mr. Meyers stated they do want to help businesses but felt the signs should be designed to fit the character of the area. He further stated he felt they should be smarter regarding how they put signs in and that would give businesses more flexibility to allow them to put signs out to identify where the business is. This should be done in a sensitive way as to not detract from what people come here to see. This is possible but would require work on the ordinance. He remarked they would also like to see a lot of the loopholes plugged up in the ordinance.

Mr. Meyers stated it is important to make this ordinance enforceable.

COMMISSIONER NELSEN stated regarding the point of moving the signs back into the scenic setback how would those signs be seen without removing some of the vegetation so that certainly is an issue in some areas. He further stated Mr. Meyers brought up that off site signs should reflect the character of the area. This would provide a standard so they would have continuity as opposed to a hodgepodge. Mr. Ekblaw stated to the first question, in sites where there is heavy vegetation you probably would not see people elect to put signs on that site because of the visibility issue. He further stated to address that concern in areas where there is a lot of vegetation they could request as part of the application an assessment of the vegetation to ensure that does not occur. He remarked the idea of design guidelines was an excellent suggestion and they spoke with Mr. Meyers and that would be an opportunity in the future to bring that into play and looking at ways of incorporating that into the DR process and design guidelines.

MIKE SHANO, 3432 W. Clarendon, stated he is President of the Arizona Sign Association. He thanked the staff for including them in this process of amending the sign code. He remarked the revised sign code is simplified and easier to use. He further remarked they are in favor of the proposed amendment to allow the substitution of two mid-size monument signs instead one 25-foot high tower sign.

KATHERINE KELEKOLIO, 27550 S. Priest Drive, representing Safeway. She stated they have just built two Safeways in north Scottsdale that are under performing. She showed a picture of the DC Ranch Safeway store. She further stated she felt the proposal for the monument signs would help that store along with some other centers that do not have monument signs. She remarked she would like to address the fact that their customers and employees have difficulty finding the store. She further remark she would like to address the vacancies that might turn up because of the restrictive sign codes. She stated they support the proposed amendment to allow the substitution of

two mid-size monument signs instead one 25-foot high tower sign. They also support the review of the sign code in one year.

COMMISSIONER NELSEN thanked Ms. Kelekolio for showing the picture of the DC Ranch Safeway noting it is one of the better-looking Safeway stores. He inquired if they were to approve the proposed amendment regarding the monument signs, where would the two monument signs go on Pima Road for the DC Ranch Safeway and what would they look like. Mr. Ekblaw stated that as a qualifier sometimes master plan centers do put more restrictions on than even the design ordinance. If the proposed amendment were approved, they would have to consider all of the factors to determine where the signs would be located but they have not gotten to where the two signs would be allowed. He remarked staff is interested in the idea and is willing to look at it. He further remarked that they could also decide to make the location be subject to DR review.

VICE CHAIRMAN STEINBERG stated the second example would have to be the Summit store that is under performing because of the scenic corridor constraints in the fact that it is heavily landscaped. Some of the tenants are bringing out temporary signs out toward the right-of-way, although it is illegal, as a way of survival. He further stated he thought something is missing in the ordinance when it comes to the scenic corridor signage. He remarked he is not in favor of any temporary scenic corridor signage. It is an eyesore, but they need to have some more constraints and more flexibility on a case by case basis where it is a permanent sign. He noted he felt they should be concerned about the economic success of some of the major employers. Mr. Ekblaw stated that is an excellent point. There has been some discussion regarding this issue and the need for flexibility so they don't see people creating illegal temporary signs or encouraging heights to go up to create signage. They are looking for a balanced solution.

LES CONKLIN, 27221 N. 71st Place, stated he agrees with what Howard Meyers said regarding the off-site development signs and political signs. He further stated he is here to express his disappointment with the direction City Council gave in the work study session regarding political signs. He remarked eight years ago their group restored the Desert Foothills signs and they made a presentation to City Council and at the time the Council agreed to not have political signs in the scenic drive. For the last eight years, they have been waiting for the ordinance to change to get rid of the political signs in the scenic corridor. He noted it does not make sense to trash a tourist area. He further noted what has happened is that they have ended up with an ordinance after all of this time that still allows political signs in the right-of-way. He stated he felt at a minimum they should get rid of that before it goes to Council. He further stated he felt there should be a minimum number of political signs allowed per candidate.

LOWELL LUEPTOW, 30600 N. Pima Road Lot #129, spoke in opposition to this request. He stated the changes in the current sign ordinance are very weak. He further stated he is particularly dismayed with the loopholes for office premise directional signs that continue to appear in Section 8.604, 605, and 612. Section 8.607 Political Signs fails to adequately address the out of control situation that exists. He remarked he felt they as a community have become very careless in taking pride in the appearance of their common areas. He further remarked he felt they should really take pride in Scottsdale, clean up the growing mess, and come up with a strong sign ordinance.

DANIEL MARIANINO, 15850 N. Thompson Peak Pkwy, stated he is a business owner in Scottsdale and he has spoke to a lot of business owners regarding the signage issue. A lot of people feel there is a lot of prejudice going on that there is more leniency for bigger companies regarding signage. He remarked there are more changes that need to be made but the small businessman is getting stepped on and they need the signage.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

COMMISSIONER SCHWARTZ requested that his proposed changes that he passed out to the Commission be put up so the audience and viewing audience can see. He stated he has concerns regarding the political signs. It is great what staff has come up with the community in reducing the size but there is an accountability issue. He further stated he believed that when you put up signs they should be put up as they are proposed and should be maintained. It should not be the responsibility of the city and citizens of the city to pay for the removal if they are in disrepair or if they are up longer than they should be. He stated he felt it was important to hold them accountable. He further stated he came up with the following language to address these issues that reads as listed below:

§8.6 Political Signs

So as to prevent any political signs

- 1) being placed in locations not designated on the permit
- 2) being removed prior to 120 days after the permit is issued to the applicant
- 3) being left in disrepair

the City of Scottsdale shall require that prior to issuance of any permit the applicant provide a bond in the amount of 1.5 times the cost to have the City of Scottsdale remove any such sign at any time that it is in violation of the above. At any time the City of Scottsdale removes such sign(s) in violation, a fee equal to the actual cost of removal, which the city shall determine, shall be drawn against such bond. Furthermore, if the applicant should desire to replace any signs after they have been removed, the applicant shall be required to replace the dollar amount that had previously been deducted against the original bond.

Commissioner Schwartz stated the reason he came up with the proposed concept was because he felt it was very important when running for political office and putting signs out in the right-of-way, they should be accountable for keeping them as they are processed for permits, and keeping them in repair. Ensuring they are following the ordinance.

COMMISSIONER HEITEL inquired if there is any restriction they can put within the political sign ordinance that limits one political sign per candidate or organization to a linear footage. Ms. Bronski stated staff would look into that and get back to the Commission. Commissioner Heitel suggested staff could present that information to the City Council when they make the determination.

Commissioner Heitel suggested that they insert in the subparagraph on political signs that they have to follow the same criteria for temporary signs. He stated he felt they should look at the 120 days on political signs. For example, If somebody puts up a

political signs 30 days before the election they still have 90 days after the election. There should be a way to tie the time frame to those specific election dates so there is a shorter time period after the election that the signs must be removed. He noted he would be in support of the bond concept. He remarked he supports the proposed amendment by the Arizona Sign Association substituting two monument signs for a tower sign he sees that as beneficial to the community. He further remarked he would like to see some of this come back fairly soon in regards to semi permanent signs being brought in line with the character design issues. He noted he would hate to see that go on too long and have a proliferation and hodgepodge of signs when they might be able to bring in some design criteria consistent with these character areas in the city.

VICE CHAIRMAN STEINBERG stated he felt what was really missing is enforceability whether they make it more enforceable vis-à-vis stricter fines but enforceability has to be made a part of this amendment. He further stated he does not see anything in regards to maintenance, deterioration aspects of permanent signs that the owners of the signs have to maintain and prevent deterioration of signs. He further stated he didn't see any penalties for signs not being maintained in a pleasing manner.

Vice Chairman Steinberg stated he was not in favor of grandfathering he felt it would allow mediocrity to remain he would rather give people a time frame in which to comply with the new regulations.

Vice Chairman Steinberg stated he would support no temporary signs in the scenic corridor or ESL areas. He further stated they do need signage for economic vitality and should be looked at on a sign by sign basis. He further stated he is in favor of there being a character sign design guideline for different character areas. He remarked he would like to see buildings avoid becoming billboards.

Vice Chairman Steinberg reiterated that he felt enforceability was a big issue.

COMMISSIONER BARNETT thanked staff for all of their hard work on this ordinance. He stated he has quite a few problems with how they are moving forward. The fact is signs are selling something and even when they look at how this begun with the section of what the purpose of having a sign it is very restrictive. They are trying to control signs. They are trying to control the neighborhood, and they are trying to control everything. There is only one line on the entire page that says anything about promoting business or helping business sale their products so along those lines they have made numerous comments, and he thought they have made some progress and there are some good changes. He remarked his biggest concern is that they approve something tonight, it will be placed on the back burner, and they won't get around to making any of the changes for years. He further remarked he felt the main reason they are looking at this is because most of the people complained about the political signs. He noted that he commented earlier that they are shrinking the size of the signs but they really are not doing anything. They are just going to increase a bunch of clutter and allow people with larger budgets in the campaign to have significantly more signs than other people do. He concluded that he agrees with many of the changes but he is probably going to vote against this tonight. It is not because they didn't make good suggestions but because he felt it would end up on the back burner and they will not get around to making the changes that they want to move forward with.

COMMISSIONER NELSEN stated he had mixed emotions about this. He further stated that he felt very strongly that they needed to get many of the changes through to the City Council because they are improvements on the existing ordinance. On the other hand, after years and years of discussion he thought the text amendments fall woefully short of the mark. He commented he felt very strongly that in a city like Scottsdale that presumes to be progressive and has some of the most restrictive zoning ordinances in the State. Feels comfortable telling a large section of the community what they can and can't do with upwards to 35 percent of their private property, but are afraid in those same areas to eliminate political signs. That is fair if no one is allowed signs in the scenic corridor in the ESL area or wherever restrictions are appropriate. Then no one gets favored and no one gets ahead of the game.

Commissioner Nelsen stated until this ordinance deals with those issues and eliminates or at least comes up with very specific design criteria that are appropriate that serves the needs of the business community he cannot support this ordinance. He further stated maybe that is the message to go forward to City Council if they vote to deny this that the Council can grapple with what is in the minutes and what is in the tape. A number of very important issues have been brought up but he just cannot believe this is all they have to discuss after he has been involved with this for seven years and there has been a lot of work that has gone in it. It went so far and gave up because they are not willing to fight those battles. They need to fight those battles now. He concluded unless someone comes up with a very creative motion he won't support this text amendment.

CHAIRMAN GULINO inquired if the temporary signs are the only signs that are allowed in the city right-of-way. Mr. Ekblaw replied in the affirmative.

Chairman Gulino stated he supports what is being proposed. He further stated he would like to remind them they are not approving anything they are making a recommendation to the City Council. He further stated what is more important than how their vote goes will be a lot of the comments made here and hopefully some of those things will be considered in the Council's decision as well as future efforts.

Chairman Gulino stated he does support the ordinance as proposed with addition of the item number five where there is the substitution of two monument signs for tower sign. He further stated he would also agree that political signs and the temporary development signs they see for home sales are certainly an eyesore. He remarked by no means is this proposal here an answer to all their problems. He further remarked he felt the sign ordinance will probably always be an evolving tool but thought it is an improvement. He commented he would like staff to provide the Commission with a future task list relative to further amendments to the sign ordinance that will help them to continue to improve on this ordinance.

Chair Gulino stated signage is important and very critical to having viable businesses within the City of Scottsdale.

COMMISSIONER SCHWARTZ MOVED TO FORWARD CASE 7-TA-2002 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL WITH THE FOLLOWING ADDITIONS AND AMENDMENTS:

APPROVED

- 1) **SEC.8.534.II.C.5. TWO (2) SUCH SIGNS SHALL BE ALLOWED TO BE SUBSTITUTED FOR ONE TOWER SIGN AS PROVIDED IN SECTION E. BELOW.**

2) **§8.6 POLITICAL SIGNS**

SO AS TO PREVENT ANY POLITICAL SIGNS

- 1) **BEING PLACED IN LOCATIONS NOT DESIGNATED ON THE PERMIT**
- 2) **BEING REMOVED PRIOR TO 120 DAYS AFTER THE PERMIT IS ISSUED TO THE APPLICANT**
- 3) **BEING LEFT IN DISREPAIR**

THE CITY OF SCOTTSDALE SHALL REQUIRE THAT PRIOR TO ISSUANCE OF ANY PERMIT THE APPLICANT PROVIDE A BOND IN THE AMOUNT OF 1.5 TIMES THE COST TO HAVE THE CITY OF SCOTTSDALE REMOVE ANY SUCH SIGN AT ANY TIME THAT IT IS IN VIOLATION OF THE ABOVE. AT ANY TIME THE CITY OF SCOTTSDALE REMOVES SUCH SIGN(S) IN VIOLATION, A FEE EQUAL TO THE ACTUAL COST OF REMOVAL, WHICH THE CITY SHALL DETERMINE, SHALL BE DRAWN AGAINST SUCH BOND. FURTHER MORE, IF THE APPLICANT SHOULD DESIRE TO REPLACE ANY SIGNS AFTER THEY HAVE BEEN REMOVED, THE APPLICANT SHALL BE REQUIRED TO REPLACE THE DOLLAR AMOUNT THAT HAD PREVIOUSLY BEEN DEDUCTED AGAINST THE ORIGINAL BOND.

SECOND BY COMMISSIONER HEITEL WITH THE FOLLOWING AMENDMENTS TO THE MOTION:

- 1) **NO TEMPORARY SIGNS IN THE RIGHT-OF-WAY.**
- 2) **POLITICAL SIGNS BE LIMITED TO A MINIMUM OF 100 FEET SO THEY CANNOT BE GROUPED TOGETHER.**
- 3) **RECONVENE IN STUDY SESSION TO ASK STAFF TO FOCUS ON SOME OF THE MAJOR ISSUES THAT ARE COMPELLING TO ALL OF US IN SEPTEMBER WITH THE CONCEPT THAT THEY WOULD REVIEW ANOTHER SUBSEQUENT DRAFT TEXT AMENDMENT WITHIN THE YEAR.**

COMMISSIONER SCHWARTZ stated he is a little concerned regarding just eliminating temporary signs completely in the right-of-way he thought that is a blanket statement that no temporary signs can be in the right-of-way and they are eliminating the opportunity for certain signage that is necessary.

COMMISSIONER HEITEL suggested amending the motion to state: No temporary signs in right-of ways where there are scenic corridors designated. Commissioner Schwartz stated he would be comfortable with that.

CHAIRMAN GULINO requested Commissioner Schwartz restated the motion.

COMMISSIONER SCHWARTZ restated the motion as stated below.

COMMISSIONER SCHWARTZ MOVED TO FORWARD CASE 7-TA-2002 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL WITH THE FOLLOWING ADDITIONS AND AMENDMENTS:

1) SEC.8.534.II.C.5. TWO (2) SUCH SIGNS SHALL BE ALLOWED TO BE SUBSTITUTED FOR ONE TOWER SIGN AS PROVIDED IN SECTION E. BELOW.

2) §8.6 POLITICAL SIGNS

SO AS TO PREVENT ANY POLITICAL SIGNS

- 4) BEING PLACED IN LOCATIONS NOT DESIGNATED ON THE PERMIT**
- 5) BEING REMOVED PRIOR TO 120 DAYS AFTER THE PERMIT IS ISSUED TO THE APPLICANT**
- 6) BEING LEFT IN DISREPAIR**

THE CITY OF SCOTTSDALE SHALL REQUIRE THAT PRIOR TO ISSUANCE OF ANY PERMIT THE APPLICANT PROVIDE A BOND IN THE AMOUNT OF 1.5 TIMES THE COST TO HAVE THE CITY OF SCOTTSDALE REMOVE ANY SUCH SIGN AT ANY TIME THAT IT IS IN VIOLATION OF THE ABOVE. AT ANY TIME THE CITY OF SCOTTSDALE REMOVES SUCH SIGN(S) IN VIOLATION, A FEE EQUAL TO THE ACTUAL COST OF REMOVAL, WHICH THE CITY SHALL DETERMINE, SHALL BE DRAWN AGAINST SUCH BOND. FURTHER MORE, IF THE APPLICANT SHOULD DESIRE TO REPLACE ANY SIGNS AFTER THEY HAVE BEEN REMOVED, THE APPLICANT SHALL BE REQUIRED TO REPLACE THE DOLLAR AMOUNT THAT HAD PREVIOUSLY BEEN DEDUCTED AGAINST THE ORIGINAL BOND.

- 3) NO TEMPORARY SIGNS IN THE RIGHT-OF-WAYS WITH SCENIC CORRIDORS.**
- 4) NO POLITICAL SIGNS BE ALLOWED WITHIN 100 FEET OF ITS OWN POLITICAL SIGN.**
- 5) RECONVENE IN STUDY SESSION TO ASK STAFF TO FOCUS ON SOME OF THE MAJOR ISSUES THAT ARE COMPELLING TO ALL OF US IN SEPTEMBER WITH THE CONCEPT THAT THEY WOULD REVIEW ANOTHER SUBSEQUENT DRAFT TEXT AMENDMENT WITHIN THE YEAR.**

SECOND BY COMMISSIONER HEITEL.

VICE CHAIRMAN STEINBERG requested a clarification did Commissioner Heitel say no temporary signs in scenic corridor right-of-way or scenic corridor. Commissioner Heitel replied in rights-of-way where there are designated scenic corridors.

MR. EKBLAW requested clarification stating right-of-way is a defined area, scenic corridor is a defined area, and is staff understanding correctly that the proposal is that there are no temporary signs in the scenic corridor. Commissioner Heitel replied in the affirmative. Mr. Ekblaw inquired if a temporary sign or political sign could be placed in a

right-of-way adjacent to a scenic corridor. Commissioner Heitel stated his intention is that there are streets designated as scenic corridors and that no temporary signs be allowed in the right-of-ways of those streets. If that falls to scenic corridors that are not considered right-of-ways that would be included within.

MS. BRONSKI stated what she thought she heard Commissioner Heitel say that he wanted no temporary signs in either a scenic corridor or any right-of-way adjacent to a scenic corridor.

COMMISSIONER SCHWARTZ stated that is how he understood the motion.

MR. EKBLAW stated the next point he would like to clarify is Commissioner Heitel had raised something about the adjacency of political signs something to the affect of 100 feet and he is not sure if that ended up his intent and he would like to clarify his intent. Commissioner Heitel stated his intent was that political signs of the same candidate or organization not be able to be located within 100 feet of each other.

MR. EKBLAW stated the final point he wanted to clarify is that you were looking for staff to return to you in September that they bring back a work plan or strategy and approach for the ordinance. Commissioner Heitel stated there were a number of global issues and other issues that need a lot more thought.

COMMISSIONER NELSEN stated in the motion that was amended and seconded when they talked about scenic corridors is that in the same context as the scenic setback. Mr. Ekblaw stated they would be interpreting that as the easement that has been dedicated along that area and it will vary of course. They have the right-of-way adjacent to the scenic corridor and then they have the scenic corridor that has been dedicated.

Commissioner Nelssen inquired since political signs are considered temporary signs they would not be allowed in the scenic corridor right-of-way or scenic corridor setbacks. Mr. Ekblaw replied that is correct.

THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).

NON-ACTION ITEM

Discussion on the Downtown Master Plan.

ED GAWF, Deputy City Manager, provided an overview of the Downtown Master Plan. He provided information on the thought process staff has used in developing some of these projects. He discussed the cycles of community change. He provided information on how they are building on past efforts to continue the downtown legacy. He also provided information on the distinctive districts in the downtown.

Mr. Gawf gave an overview of the vision for the downtown. He provided an update on the Old Town parking garage and public improvements for that area.

COMMISSIONER NELSEN inquired how they plan to get the vision to occur. Mr. Gawf stated first they have to make a decision on where to put the new Old Town parking facility and they should be making the decision by the end of the month. He further stated they have \$4.5 million dollars to build the public parking in this area. Second they need to do an RFQ for a mixed-use development where they work with private development and in exchange for land and their ability to build, they build public parking underground. Commissioner Nelsen inquired if this would require a change in zoning. Mr. Gawf replied in the negative. Commissioner Nelsen inquired about the time frame. Mr. Gawf replied his best guess would be within the next five or six years.

VICE CHAIRMAN STEINBERG inquired if it would be possible to make some of the streets pedestrian only. Mr. Gawf replied it is possible but he would recommend against it.

MR. GAWF provided information on what he felt makes a successful downtown area. He also provided information on the proposed projects in the downtown. He discussed the vision for the canal project. He noted they intent to improve the downtown directional signage. He reviewed the downtown ordinance amendment. He also reviewed the downtown parking master plan. He discussed the amount of public and private investment that is needed over the next five or six years.

COMMISSIONER HEITEL suggested this entire presentation in some fashion be put on the city's web site. Mr. Gawf stated that is a good suggestion. He further stated they are discussing putting together a similar presentation for channel 11. Commissioner Heitel stated staff has shown tremendous effort and vision.

CHAIRMAN GULINO stated he felt they need to start seeing some real implementation. Mr. Gawf stated that they need to establish credibility that people believe they will do something in this area.

WRITTEN COMMUNICATION

There was no written communication.

ADJOURNMENT

With no further business to discuss, the regular meeting of the Scottsdale Planning Commission was adjourned at 9:15 p.m.

Respectfully Submitted,

"For the Record " Court Reporters

APPROVED